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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,141	11/24/2003	I-Chung Hou	9097-US-PA-1	1140
31561	7590	09/22/2004	EXAMINER	
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE			FEGGINS, KRISTAL J	
7 FLOOR-1, NO. 100			ART UNIT	
ROOSEVELT ROAD, SECTION 2			PAPER NUMBER	
TAIPEI, 100			2861	
TAIWAN			DATE MAILED: 09/22/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,141

Applicant(s)

HOU ET AL.

Examiner

K. Feggins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/7/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7,8 and 10-17 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 10/064611.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7-8, 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Higuma et al. (US 6,224,200 B1).

Higuma et al. disclose the following claimed limitations:

* regarding claim 7, an ink storage unit/ink tank/ (Abstract, figs 39, 40, & 43),

* an ink tank, defining an inner confinement space limited by at least an inner sidewall (figs 39, 40, & 43), and further provided with an air inlet/503/ and an ink outlet/ink feeding portion, 502/, the air inlet enabling an external air to enter the confinement space and the ink outlet enabling an ink to be outputted out of the confinement space (col 31, lines 10-13, figs 39, 40, & 43);

* an ink storage body/ink chamber/ received within the confinement space, the ink storage body/ink chamber d/ being comprised of a first ink storage portion/F^B/ received, placed approximately close to the air inlet (see figs 39, 40, & 43);

* a second ink storage portion/F/, placed approximately close to the ink outlet (see figs 39, 40, & 43);

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* a spacing member/ink chambers c & b/, placed between the first/F/, and second/F^B/ ink storage portions to separate the first ink storage portion from the second ink storage portion (see figs 39, 40, & 43).

* regarding claim 8, wherein the air inlet/503/ is substantially spaced away from the ink outlet/502/ (see figs 39, 40, & 43).

* regarding claim 10, wherein the first ink storage portion has a capillary effect that is higher than that of the second ink storage portion/F has more pores than F^B thereby having a higher capillary effect/ (see figs 39, 40, & 43).

* regarding claim 11, wherein a pore density of the first ink storage portion is higher than that of the second ink storage portion/F has more pores than F^B thereby having a higher pore density/ (see figs 39, 40, & 43).

* regarding claim 12, wherein the first ink storage portion/F^B/ is made of a porous material/foam having pores/ (Abstract, figs 39, 40, & 43).

* regarding claims 13 & 16, wherein the porous material includes a sponge/foam block, ink absorbing member/ (Abstract, figs 39, 40, & 43).

* regarding claims 14 & 17, wherein the porous material includes a fabric/foam/(Abstract, figs 39, 40, & 43).

* regarding claim 15, wherein the second ink storage portion/F/ is made of a porous material/foam with pores (Abstract, figs 39, 40, & 43).

Allowable Subject Matter

3. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The primary reason for allowance of claims 1-5 is the inclusion of the limitations of an ink storage unit that includes a spacing member having a plurality of ribs that oppositely abut the first and second ink storage portions. It is this limitation found in the claims, as it is claimed in the combination of that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kotaki et al. (US 2003/0020790 A1) disclose an ink container with a porous material that is separated and having a plurality of ribs near the air inlet and abutting the porous material. Ujita et al. (US 2003/0052951 A1) disclose an ink jet recording apparatus using recording unit with ink cartridge having ink inducing element. Chiu et al. (US 2003/0146960 A1) disclose an ink container having a pressure stabilizer module.

Response to Arguments

4. Applicant's arguments filed 7/7/2004 have been fully considered but they are not persuasive.

In response to applicant's argument that Higuma et al. does not disclose that there is no direct contact between the first and second ink storage portions and that the first and second ink storage portion are used to prevent ink leakage through the air inlet is acknowledged. However, this argument is not germane to the claim. Furthermore, it is noted that these features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Communication With The USPTO

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Feggins whose telephone number is 571-272-2254. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


K. Feggins
Primary Examiner
September 17, 2004